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REMARKS

This submission is in response to the Office Action mailed July 19, 2010. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-26 are currently pending in this application, of which Claims 1 and 7 are independent claims. Claims 1, 3, 6, 7-12, 14, 15, and 17-25 have been amended to address minor informalities and to further clarify that which is regarded as the invention. Claim 26 has been added to further claim that which Applicant regards as the invention. Support for the amendments can be found in the specification on page 9, line 27 through page 11, line 24; page 14, line 17 through page 15, line 16; and page 16, line 26 through page 18, line 25, as well as throughout the remainder of this application. The application as now presented is believed to be in allowable condition.

I.   Objection to the Claims

Claim 3 has been objected to for minor informalities. Accordingly, Claim 3 has been amended, as suggested by the Examiner, to recite "in step a) . . . at least this or one of the other rule packages". In view of the above, it is respectfully submitted that the objection to the drawings has been obviated.

II.   Claims Rejected Under 35 U.S.C. § 101

Claims 7-12, 14, 15, 18-23, and 25 have been rejected under 35 U.S.C 101 for being directed to non-statutory subject matter.

Claims 7-12 have been amended to be directed to one of the statutory classes defined by 35 U.S.C. § 101. Specifically, Claims 7-12 have been rewritten to recite a machine readable medium storing instructions, wherein execution of the instruction by a client computer causes the client computer to perform at least one of four recited routines.

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Claims 14, 15, and 18-23 have been amended to be directed to one of the statutory classes defined by 35 U.S.C. § 101. Specifically, Claims 14, 15, and 18-23 have been rewritten to recite the machine readable medium of Claim 7.

Claim 25 has been amended to be directed to one of the statutory classes defined by 35 U.S.C. § 101. Specifically, Claim 25 has been rewritten to recite a machine readable medium that stores a computer program, wherein execution of the computer program implements a method according Claim 1.

In view of the above, it is respectfully requests that the rejection of Claims 7-12, 14, 15, 18-23, and 25 under 35 U.S.C. § 101 be reconsidered and withdrawn.

III. Claims Rejected under 35 U.S.C. § 112

Claim 3 has been rejected because it contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Accordingly, Applicant has amended Claim 3 as suggested by the examiner.

Claim 20 has been rejected for containing subject matter which was not described in the specification is such a way as to enable one skilled in the art to make or use the invention. Applicant respectfully traverses. As recited in Claim 20, which incorporates the subject matter of Claims 7, 14, and 18, the rule packages entered in the list of rule packages with installation routines which have run successfully and the list of rule packages with configuration routines which have run successfully are compared with the rule packages contained in the framework and, for those rule packages which do not appear in the framework, runs their deconfiguration routines in a first pass and their deinstallation routines in a second pass.

Applicant notes the lists include routines that have already successfully run and the framework of Claim 20 includes routines which have not yet successfully run. The client computer, having already installed and configured the software components included in the rule

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packages of the lists would have the deinstallation and deconfiguration routines, which would be separate from the routines included in the framework to be run. For example, a different framework may have run previously to the framework to be run in Claim 20, and therefore, the client computer can have access to the routines from the previously run framework to deinstall and deconfigure those rule packages which do not appear in the framework described in Claim 20. Therefore, the subject matter of Claim 20 is described in the specification in such a way as to enable one skilled in the art to make or use the invention.

Claims 1-6, 14, 16-18, 21, and 23 have been rejected for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Particularly, the Office Action indicate that the terms "again" in Claim 1, "preferably" in Claim 6 and 21, "may be" in Claim 14, and "in particular" in Claim 23 are indefinite. Accordingly, the Claims 1, 6, 14, 21, and 23 have been amended to remove the recitation of these terms.

Claims 18 and 24 has been rejected failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Particularly, the Office Action indicates that the syntax of Claim 18 is confusing. Accordingly, Applicant has amended Claim 18, as suggested by the Examiner, in addition to the amendments made to overcome the rejection of Claim 18 under 35 U.S.C. § 101.

In view of the above, it is respectfully requested that the rejection of Claims 1-6, 14, 16-18, 20, 21, 23, and 24 under 35 U.S.C. § 112 be reconsidered and withdrawn.

III.   Claims Rejected under 35 U.S.C. § 102

Claim 1, 6, 7, 11, 13, 14, 16-18, 22, 24, and 25 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0015961 (*Chefalas*).

With respect to Claim 1, Chefalas fails to disclose running a list of rule packages on the client computer a first time to identify installation routines to be run, calling the installation routines, running the list of rule packages on the client computer a second time to identify

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configuration routines corresponding to the identified installation routines to be run, and calling their configuration routines.

Chefalas discloses a "technique for automatically installing software on one or more network-connected computer systems" in which a server "sends instructions . . . to [software agents of the] target computers" at a scheduled time, which "include information such as what software is to be installed, what the hardware and software perquisites are for that piece of software, and rules for determining how configuration options should be set for the software." (*Chefalas* Abstract and ¶ 0028). The software agents "install the desired software and any perquisite software packages onto [the] target computers" and "configure the installed software to operate properly on [the] target computers." (*Chefalas* Abstract and ¶¶ 0031). However, *Chefalas* is silent with regard to running a list of rule packages on the client computer a first time to identify installation routines to be run, calling the installation routines, running the list of rule packages on the client computer a second time to identify configuration routines corresponding to the installation routines to be run, and calling their configuration routines, as recited by Claims 1. Therefore, *Chefalas* fails to disclose the above-identified feature of Claim 1.

Applicant notes that the rule packages of the claimed invention are associated with corresponding software components and the rule packages include routines for installing the software components and corresponding routines for configuring the software components. By sequentially running the list of rules packages, the rule packages in the list including installation routines are called to run the installation routines and the rules packages in the list including corresponding configuration routines are called to run the configuration routines. Because all the installation routines are initially run in a first and all the configuration routines are run second, correct configuration of all software components is ensured. This overcomes side-effect of overwriting the configuration of underlying software components often encountered by installation operations.

With respect to Claim 7, *Chefalas* fails to disclose that if an absence requirement of another software component is established by a routine for installing a software component, the

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routine branches to a deinstallation routine of another rule package assigned to the other software component.

Chefalas discloses identifying software perquisites before installing the desired software. In this respect, the software agents of the target computers of *Chefalas* collect information particular to the target computer on which they are executed such as information pertaining to "which prerequisite software packages *must be installed* prior to installing the desired software." (*Chefalas* ¶¶ 0029-0030). However, *Chefalas* is silent with regard to branching to a deinstallation routine of another rule package assigned to a software component if an absence requirement of the software component is established by a routine for installing a different software component. Therefore, *Chefalas* fails to disclose the above-identified feature of Claim 7.

For at least the above reasons, *Chefalas* fails to disclose all of the elements of Claims 1 and 7. In order to support a claim of *prima facie* anticipation, a single reference must disclose each of the claimed elements. However, nothing in the art of record discloses each of the features in Claims 1 and 7. Therefore, it is respectfully requested that the rejection of Claims 1 and 7 under 35 U.S.C. § 102 be reconsidered and withdrawn.

Claims 6 and 25 depend from Claim 1 and Claims 11, 13, 14, 16-18, 22, and 24 depend from Claim 7. Therefore, Claims 6, 11, 13, 14, 16-18, 22, 24, and 25 are patentable over the art of record by virtue of their dependence. Furthermore, Claims 6, 11, 13, 14, 16-18, 22, 24, and 25 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1, 6, 7, 11, 13, 14, 16-18, 22, 24, and 25 under 35 U.S.C. § 102 be reconsidered and withdrawn.

IV.   Claims Rejected under 35 U.S.C. § 103

Claims 2, 10, and 21 have been rejected as being unpatentable over *Chefalas* in view of U.S. Publication 2002/0067504 (*Salgado*). Claim 3 has been rejected as being unpatentable over

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Chefalas in view of U.S. patent No. 6,684,242 (*Bahlmann*). Claims 4, 8, and 15 have been rejected as being unpatentable over *Chefalas* in view of U.S. Patent No. 5,903,753 (*Bramnick*). Claims 5, 9, and 19 have been rejected as being unpatentable over *Chefalas* in view of U.S. Publication No. 2003/0233649 (*Reimert*). Claim 12 has been rejected as being unpatentable over *Chefalas* in view of U.S. patent No. 6,389,589 (*Mishra*). Claim 20 has been rejected as being unpatentable over *Chefalas* in view of *Reimert*, and in further view of *Bahlmann*. Claim 23 has been rejected as being unpatentable over *Chefalas* in view of Applicant Acknowledged Prior Art Techniques.

With respect to Claim 1, *Chefalas* fails to teach or suggest running a list of rule packages on the client computer a first time to identify installation routines to be run, calling the installation routines, running the list of rule packages on the client computer a second time to identify configuration routines corresponding to the identified installation routines to be run, and calling the configuration routines. Rather, Chefalas teaches software agents "install the desired software and any perquisite software packages onto [the] target computers" and "configure the installed software to operate properly on [the] target computers." (*Chefalas* Abstract and ¶¶ 0031). However, *Chefalas* is silent with regard to running a list of rule packages on the client computer a first time to identify installation routines to be run, calling the installation routines, running the list of rule packages on the client computer a second time to identify configuration routines corresponding to the identified installation routines to be run, and calling the configuration routines, as recited by Claim 1. The remaining art of record including *Salgado*, *Bramnick*, *Reimert*, and *Mishra* fails to bridge the factual deficiencies of *Chefalas* and *Bahlmann*.

With respect to Claim 7, *Chefalas* fails to teach or suggest that if an absence requirement of another software component is established by a routine for installing a software component, the routine branches to a deinstallation routine of another rule package assigned to the other software component. *Chefalas* teaches determining which prerequisite software packages *must be installed* prior to installing the desired software. Pages 18 and 19 of the Office Action cite

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column 12, lines 1-8 of *Bahlmann* for teaching a routine for deinstalling and for undoing the configuration of a software component. In particular, column 11, line 57 through column 12, line 8 of *Bahlmann* teach that a user can run an uninstall script to return the user's computer to its initial configuration. However, neither *Chefalas* nor *Bahlmann*, when considered alone or in combination, teach or suggest that if an absence requirement of another software component is established by a routine for installing a software component, the routine branches to a deinstallation routine of another rule package assigned to the other software component, as recited by Claim 7. The remaining art of record including *Salgado*, *Bramnick*, *Reimert*, and *Mishra* fails to bridge the factual deficiencies of *Chefalas* and *Bahlmann*.

Applicant further notes that Applicant has received notable recognition and commercial success for the invention disclosed and claimed in the present application. For example, the invention disclosed and claimed in the present application was among the top 5 finalists in the category "IT-Software-Corporate" in The 2010 World Technology Awards held by the World Technology Network (see http://www.wtn.net/2010winners.html).

For at least the above reasons, the art of record including *Chefalas*, *Salgado*, *Bahlmann*, *Bramnick*, *Reimert*, and *Mishra* fails to teach or suggest each of the elements as recited by Claims 1 and 7. In order to support a claim of prima facie obviousness, the cited references must teach or suggest each and every element of the invention and there must be some basis to combine the references and the prior art as suggested. However, nothing in the art of record would, either alone or in combination, teach or suggest each of the elements now defined by amended Claims 1 and 7, respectively.

Claims 2, 3, 4, and 5 depend from Claim 1. Claims 8, 10, 12, 15, 19, 20, 21, and 23 depend from Claim 7. Therefore, Claims 2, 3, 4, 5, 8, 10, 12, 15, 19, 20, 21, and 23 are patentable over the art of record by virtue of their dependence. Furthermore, Claims 2, 3, 4, 5, 8, 10, 12, 15, 19, 20, 21, and 23 define additional patentable subject matter in their own right.

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For example, with respect to Claim 20, the art of record fails to teach or suggest comparing rule packages in a list of rule packages with installation routines which have run successfully and a list of rule packages with configuration routines which have run successfully with the rule packages contained in the framework and, for those rule packages which do not appear in the framework, running their deconfiguration routines in a first pass and their deinstallation routines in a second pass.

Pages 27 and 28 of the Office Action cite the combination of *Chefalas*, *Reimert*, and *Bahlmann* for teaching the above-identified feature of Claim 20. *Chefalas* teaches software agents that "install the desired software and any perquisite software packages onto [the] target computers" and "configure the installed software to operate properly on [the] target computers", but is silent with respect to deconfiguring and uninstalling software components based on a comparison of lists with a rule package contained in a framework. (*Chefalas* Abstract and ¶¶ 0031). *Reimert* teaches a comparison is made between "previously run installation packages and [a] list of available installation packages", where "[t]hose installation packages listed in both places, duplicated, are removed from the run installation packages list" so that software already installed on a computer is not install on the computer again. (*Reimert* ¶ 0013). In contrast to *Reimert*, the claimed invention runs deconfiguration and deinstallation routines for a rules package in response to the rules package being included in lists of successfully run installation and configuration routines, but absent from a framework to be installed and configured. *Bahlmann* teaches that a user can run an uninstall script to return the user's computer to its initial configuration. (*Bahlmann* col. 11, line 57 through col. 12, line 8). However, the uninstall script of *Bahlmann* is not responsive to a rules package being included in lists of successfully run installation and configuration routines, but absent from a framework to be installed and configured, as recited by the claimed invention. Therefore *Chefalas*, *Reimert*, and *Bahlmann*, when considered alone or in combination, fail to teach or suggest comparing rule packages in a list of rule packages with installation routines which have run successfully and a list of rule packages with configuration routines which have run successfully with the rule packages contained in the framework and, for those rule packages which do not appear in the framework,

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running their deconfiguration routines in a first pass and their deinstallation routines in a second pass, as recited in Claim 20.

In view of the above, it is respectfully requested that the rejection of Claims 2, 3, 4, 5, 8, 10, 12, 15, 19, 20, 21, and 23 under 35 U.S.C. § 103 be reconsidered and withdrawn.

V.   New Claim

Claim 26 has been added to further claim that which Applicant regards as the invention. Claim 26 depends from Claim 1, and therefore, patentable over the art of record by virtue of its dependence. Furthermore Claim 26 defines additional patentable subject matter in their own right

With respect to Claim 26, *Chefalas* fails to teach or suggest that a prerequisite of successful installation of one of the software components is deconfiguration of another software component already installed on the client computer. Rather, *Chefalas* teaches determining which prerequisite software packages *must be installed* prior to installing the desired software. Pages 18 and 19 of the Office Action cite column 12, lines 1-8 of *Bahlmann* for teaching a routine for deinstalling and for undoing the configuration of a software component.

Bahlmann teaches that "[t]here is a possibility that the user 102 will wish to uninstall the network related programs 410 to return the computer 222 to the initial configuration setting", which can be achieved "by an uninstall script 418." (*Bahlmann* col. 11, lines 57-60). "[T]he uninstall script 418 changes the programmable configuration settings to the initial configuration setting" and "all of the preparation software and information components 400, including the uninstall script 418, are deleted to complete the uninstall process." (*Bahlmann* col. 12, lines 1-8). However, *Bahlmann* is silent with respect to a prerequisite of successful installation of one of the software components being deconfiguration of another software component already installed on the client computer. Rather, the uninstall script of *Bahlmann* returns the computer to its initial configuration. The uninstall script is not responsive to deconfigure a software component

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already installed on the client computer as a prerequisite of successful installation of another software component. Therefore, neither *Chefalas* nor *Bahlmann*, when considered alone or in combination, teach or suggest the above-identified feature of Claim 26. The remaining art of record including *Salgado, Bramnick, Reimert*, and *Mishra* fails to bridge the factual deficiencies of *Chefalas* and *Bahlmann*.

For at least the above reasons, the art of record including *Chefalas Salgado, Bramnick, Reimert*, and *Mishra* fails to bridge the factual deficiencies of *Chefalas* and *Bahlmann* fails to disclose all of the elements of Claim 26. Therefore, it is respectfully requested that Claim 26 be considered and allowed.

CONCLUSION

In view of the foregoing remarks, allowance of pending Claims 1-26 is respectfully solicited. If there are any questions concerning the above-identified application, the Examiner is requested to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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